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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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49455	7590	10/17/2005	EXAMINER	
STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005			CHEUNG, MARY DA ZHI WANG	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/882,177	Applicant(s) SEO ET AL.	
	Examiner Mary Cheung	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6,7 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,7 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

1. This action is in response to the RCE filed on July 25, 2005. Claims 1, 3-4, 6-7 and 28 are pending. Claims 1 and 28 are amended. Claims 2, 5 and 8-27 are canceled.

Response to Arguments

2. Applicant's arguments filed June 29, 2005 have been fully considered but they are not persuasive.

The applicant argues that Yeates (U. S. Patent 5,644,782) fails to teach "first data of the data base is recorded in read only region of the optical disc prior to a first access of the server by the user computer and the modified/updated data transmitted by the server is recorded in a recordable region of the optical disc". Examiner respectfully disagrees because "read-only memory device" in Yeates' teaching corresponds to the "read only region" and "read-write auxiliary memory device" corresponds to the "recordable region", and the read-write auxiliary memory device stores the data reflecting updates to the data stored on the read-only memory device (column 4 lines 5-7 and Fig. 2).

The arguments for claims 3-4, 7 and 28 are based on the arguments discussed above; thus, they are reversed on the same basis.

In response to applicant's argument that neither Yeates nor Kullick teaches recording a new date and time of last update of the disc in the recordable region as claimed in claim 6, Examiner respectfully disagrees. Kullick teaches recording the date and time of the last update, which would correspond to this limitation (see claim 6 below).

Claim Objections

3. Claims 1 and 4 are objected to because of the following informalities:

- a) in line 14 of claim 1, the phrase "data base" should be --database--;
- b) in line 5 of claim 4, the phrase "recordable disc" should be --recordable region of the disc--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 3 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 14 of claim 1 recites "first data of data base". It is not clear what "first data" refers to. Does it refer to the date and time of a last update or something else? How is this "first data" related to "the modified/updated data"?

Claim 3 is rejected for incorporating the error of its respective base claim 1 by dependency.

Claim 28 recites the phrases "maintaining update data for the data base corresponding a second date and time on a server", and "transmitting the update data and the second date and time...". It is not clear what the "update data"? How is the "update data" related to the "first date and time" and the "second date and time"?

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 4, 6 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeates et al., U. S. Patent 5,644,782 in view of Kullick et al., U. S. Patent 5,751,997.

As to claim 1, Yeates teaches a database updating apparatus comprising (abstract):

- a) a computer network (Fig. 1);
- b) a server which provides database-related information through the computer network (column 2 lines 5-30 and Fig. 1);
- c) a user computer which accesses the server through the computer network and retrieves the database-related information, wherein (column 2 lines 5-30 and Fig. 1): the user computer comprises an optical disc recording/reproducing apparatus which records data in or reproduces data from an optical disc (column 2 line 31 – column 3 line 10 and Figs. 1-2);
- d) first data of the data base is recorded in read only region of the optical disc prior to a first access of the server by the user computer and the modified/updated data transmitted by the server is recorded in a recordable region of the optical disc (column 2 line 31 – column 4 line 28 and Figs. 2-4;

specifically, "read only region" corresponds to Read-Only Memory Device 274, and "recordable region" corresponds to "Read-Write Auxiliary Memory device 276 in Yeates' teaching).

Yeates does not specifically teach that the optical disc comprising a database and a date and time of a last update of the database are recorded, and which is programmed to transmit the date and time of the last update to the server and to record modified/updated data, which is transmitted from the server, on the optical disc; and the server is programmed to determine if modification/update of the database recorded on the optical disc is needed based on the transmitted date and time, and to transmit the modified/updated data to the optical disc recording/reproducing apparatus. However, Kullick teaches a computer device comprising an optical disc, the optical disc comprising a database, the computer device transmitting the date and time of the last update information of the database regarding the optical disc to the server (*is interpreted as the primary and second storage device in Kullick's teaching*) and to record modified/updated data, which is transmitted from the server on the optical disc; and the server is programmed to determine if the modification/update of the database recorded on the optical disc is needed based on the transmitted date and time, and to transmit the modified/updated data to the optical disc recording/reproducing apparatus (column 5 lines 3-61 and column 7 line 9 – column 8 line 38 and Figs. 1-4C). Kullick does not specifically teach the date and time of the last update information of the database are recorded on the optical disc. It would have been obvious to one of ordinary skill in the art to allow the date and time of the last update information of the database to be recorded on the optical disc because this would transmit all the

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necessary information from the optical disc (i.e. database, date and time of the last update) to the server at once; thus reducing the complexity of multiple transactions. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the optical disc in Yeates' teaching to include a database and a date and time of a last update of the database are recorded, and which is programmed to transmit the date and time of the last update to the server and to record modified/updated data, which is transmitted from the server, on the optical disc; and the server is programmed to determine if modification/update of the database recorded on the optical disc is needed based on the transmitted date and time, and to transmit the modified/updated data to the optical disc recording/reproducing apparatus as taught by the modified teaching of Kullick for efficiently updating and centralizing information between an optical disc and a server.

As to claim 4, Yeates teaches a method of updating a database comprising: permitting a user computer usable with an optical disc, on which a vendor database is recorded in a read only region of the optical disc, to access a server of the database vendor through a computer network, recording modified/updated data in a recordable region of the optical disc if modification/update is needed; and recording the modified/updated data on the optical disc (column 2 line 5 – column 3 line 10 and Figs. 1-2). Yeates does not specifically teach receiving a date and time of a last update of the database recorded in a recordable regions of the optical disc from the user computer and determining whether modification/update of the database is needed based on the received date and time. However, Kullick teaches a user computer comprising an optical disc, the optical disc comprising a database, receiving from the

user computer a date and time of the last update information of the database regarding the recordable disc and determine whether modification/update of the database is needed based on the received date and time (column 5 lines 3-61 and column 7 line 9 – column 8 line 38 and Figs. 1-4C). Kullick does not specifically teach the date and time of the last update information of the database are recorded on the optical disc. It would have been obvious to one of ordinary skill in the art to allow the date and time of the last update information of the database to be recorded on the optical disc because this would transmit all the necessary information from the optical disc (i.e. database, date and time of the last update) to a server at once; thus reducing the complexity of multiple transactions. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow Yeates' teaching to include the feature of receiving a date and time of a last update of the database recorded on the disc from the user computer and determining whether modification/update of the database is needed as taught by the modified teaching of Kullick for efficiently and securely updating and centralizing information between an optical disc and a server.

As to claim 6, Yeates does not specifically teach recording a new date and time of the last update on the disc of the recordable region. However, Kullick teaches recording the date and time of the last update (Figs. 3a-3b). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the date and time of the last update to be recorded in the recordable region so that the updating information can be better verified and audited.

As to claim 28, Yeates teaches a method of distributing and maintaining a database, the method comprising (abstract):

- (a) distributing an optical disc having a read-only region in which a data base corresponds to a first data in recorded and a recordable region in which the first data is recorded (column 2 line 31 – column 3 line 36 and Fig. 2);
- (b) operating the optical disc in a user computer having an optical disc reproducing/recording apparatus (column 2 lines 5-30 and Fig. 1);
- (c) maintaining updating data for the data base corresponding to a second data on the server (column 2 line 31 – column 3 line 36 and column 3 line 38 – column 4 line 28 and Fig. 2, 4);
- (d) accessing the server and transmitting the first data to the server (column 2 line 31 – column 4 line 28 and Figs. 2-4);
- (e) transmitting the update data and the second data to the user computer (column 2 line 31 – column 4 line 28 and Figs. 2-4);
- (f) storing the update data in the recordable region of the optical disc (column 2 line 31 – column 4 line 28 and Figs. 2-4);
- (g) updating the first data stored in the recordable region to the second data (column 2 line 31 – column 4 line 28 and Figs. 2-4).

Yeates does not specifically teach first data is a first date and time, and the second data is a second date and time, and transmitting the second data to the user computer if the second date and time is later than the first date and time. However, these matters are taught by Kullick as receiving a from the user computer a date and time of the last update information of the database installed in the user computer, and determines whether an update is need based on the date and the time of the last update received from the user computer and the date and time of updated stored in the

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database server (column 5 lines 3-61 and column 7 line 9 – column 8 line 38 and Figs. 1-4C). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow Yeates' teaching to include the feature of as taught by Kullick for efficiently and securely updating and centralizing information between a user computer and a server.

8. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeates et al., U. S. Patent 5,644,782 in view of Kullick et al., U. S. Patent 5,751,997 in further view of Alloul et al., U. S. Patent 6,032,130.

As to claims 3 and 7, Yeates modified by Kullick teaches the server transmitting information, which is received from the user computer, to the user computer and the optical disc recording apparatus records the information on the optical disc as discussed in claims 1 and 4 above. Yeates modified by Kullick does not specifically teach the information is a purchase order. However, Alloul teaches electronic transactions involve purchase orders (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the information in the teaching of Yeates modified by Kullick to be a purchase order for expanding the usage environment of the database updating apparatus; thus attracting more clients to use the apparatus.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(571) 273-8300 (Official Communications; including After Final
Communications labeled "BOX AF")
(571) 273-6705 (Draft Communications)

Mary Cheung
Primary Examiner
Art Unit 3621
October 13, 2005



MARY D. CHEUNG
PRIMARY EXAMINER